

President's Reasons for Pardon

By CLIFTON DANIEL

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WASHINGTON, Sept. 8— "There is a point," Sophocles said, "beyond which even justice becomes unjust."

President Ford apparently decided, with his clemency announcement today, that that point had been reached in the case of Richard M. Nixon. Mr.

Ford had been told that the former President was likely to be indicted as a co-conspirator in the cover-up of the Watergate burglary in 1972.

He had also been told that, because of all the publicity about the case, it might be nine months or more before a jury could be chosen to give Mr. Nixon a fair trial.

He felt that such an ordeal would threaten the former President's health, so he decided to spare both, Mr. Nixon and the nation.

He said his concern was not so much with the fate of Richard Nixon as with "the immediate future of this great country."

Unexpected Action

President Ford's announcement of a full pardon for Mr. Nixon was unexpected. It came at an odd hour for White House action—11 o'clock on a Sunday morning.

Only 11 days ago he said, during his first news conference as President, that it would be unwise and untimely for him to make any commitment on clemency for Mr. Nixon until some "legal process had been undertaken."

He added that Leon Jaworski, the Watergate special prosecutor, had "an obligation to take whatever action he sees fit in conformity with his oath of office, and that should include any and all individuals."

Today, however, Mr. Ford took the case out of Mr. Jaworski's hands in the simplest, easiest and most decisive way available to him. He simply pardoned Mr. Nixon in advance for Federal offenses the former President might be accused of. Mr. Jaworski did not challenge the decision.

Minimum of Concessions

A minimum of concessions was demanded of Mr. Nixon. He was not required to plead to any criminal charges, as several Watergate defendants have done, and no bill of particulars was presented against him, as was done in the case of former

Vice President Spiro T. Agnew.

Mr. Nixon was obliged to make his documents, records and tape recordings available to the courts, but he will retain ownership of them and eventually may destroy the tape recordings that were his ultimate undoing.

Mr. Nixon did issue a statement. It had obviously been prepared in anticipation of President Ford's pardon, but the White House said it was not a condition for the pardon.

While it was described by Philip W. Buchen, Mr. Ford's counsel, as an act of contrition, the statement, like many others that preceded it, acknowledged no criminal wrongdoing. Mr. Nixon spoke of the break-in at the Watergate offices of the Democratic National Committee as "a political scandal" and "a national tragedy, not a crime."

He acknowledged dealing with Watergate "the wrong way," but not illegally.

But Not Subordinates

The thing about all this that troubled consciences in Washington most was the fact that while Mr. Nixon had been pardoned, his subordinates would continue to be persecuted.

When asked the other day why it would be fair to exempt Mr. Nixon from prosecution while sending H.R. Haldeman, for example, to prison, one of

Action Regarded as an Effort to Avert Distress of Trial

the president's former aides said, "It simply would not mean as much to send Haldeman to prison."

President Ford took a similar line today. He said he believed in "equal justice for all Americans," but that "a former President of the United States, instead of enjoying equal treatment with any other citizen accused of violating the law, would be cruelly and excessively penalized either in preserving the presumption of his innocence or in obtaining a speedy determination of his guilt."

In reading his prepared announcement of the pardon for Mr. Nixon, President Ford interpolated a remark that Mr. Nixon's ordeal was threatening his health.

He did not explain, but his press secretary, J. F. terHorst, later said the White House had information that Mr. Nixon was "not well."

This may have been a reflection of recent news reports

from Mr. Nixon's home in San Clemente, Calif. One of those, in The Washington Post, quoted a friend as saying Mr. Nixon was "terribly depressed, with much to be depressed about." Another friend said Mr. Nixon's mind seemed to wander as he talked.

Still another friend, who has not seen Mr. Nixon since he left Washington, declared he simply could not endure a long criminal trial. One who had seen him, however, was less alarmist. He said, "Mr. Nixon is doing about as well as one could expect under the circumstances."

Whatever the reasons for his compassion toward Mr. Nixon, President Ford did not count politics among them. In his announcement, he spoke of conscience, duty and mercy, and said, "I cannot rely upon public opinion polls to tell me what is right."

Almost nothing happens in Washington without political consequences, however. Tonight a substantial lineup of Democrats was questioning President Ford's judgment. A somewhat smaller lineup of Republicans and Nixon sympathizers was endorsing his decision.

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After the announcement, White House aides answered telephone calls from public officials commenting on the pardon. From left are William E. Timmons, John O. Marsh Jr., Gen. Alexander M. Haig Jr., Robert T. Hartmann. Mr. Ford is at right, hand to face.